

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 309 and 12155.5, of the Fish and Game Code, and to implement, interpret or make specific Sections 309, 4340, 4754, 7852.2, 8254.7, 8280.4, 8422, 8423.5, 8562, 8569, 12154, 12155, 12155.5, and 12156, of said Code, proposes to add Section 745.5, and amend Section 746, Title 14, California Code of Regulations, relating to Revocation or Suspension of Hunting or Sport Fishing Privileges.

Informative Digest/Policy Statement Overview

AB 1420, Chapter 291, Statutes of 2003 requires the Fish and Game Commission to adopt regulations and procedures governing the revocation or suspension of hunting or sport fishing privileges. This regulation will allow the commission to consider the suspension or revocation of sport hunting and fishing licenses in a similar manner to commercial fishing licenses.

In 1998, the Legislature granted the commission the authority to revoke or suspend commercial fishing privileges after notice and opportunity for a hearing (section 7857, Fish and Game Code). Prior to this, there were a variety of conditions under which commercial fishing licenses and permits could be suspended or revoked, much like the current situation with sport hunting and fishing licenses.

Under current law the department and the commission have the authority to revoke or suspend trapping or recreational hunting and fishing license privileges only if the person is convicted of three violations in a five-year period regardless of the nature of the violation. There is no authority to revoke or suspend the privilege granted by these licenses in circumstances involving the commission of only a single offense even if it is especially damaging. Single violations that are particularly damaging include those involving large overlimits, big game mammals, fully protected birds, mammals, or fish, specially protected mammals, and species listed as threatened or endangered.

Other instances in which a single conviction is damaging is when a person is allowed to plead to a single violation even though multiple violations may have been committed and charged. The types of violations frequently involved in such cases can be particularly damaging because they include conspiracy to: take fish or wildlife out-of-season, take animals for only a specific portion of the animal (large antlers, gall bladders, claws, talons, etc.), take during closed hours, take by cruel methods, take for commercial purposes, etc.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at The James W. Kellogg Training Center, 935 Detroit Avenue, Concord, California on Friday, October 22, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The Beach Resort, Bay View Room, 2600 San Dunes Drive, Monterey, California on December 3, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 30, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than December 3, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916)653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. Leslie Laurance, Department of Fish and Game, phone (916) 657-4607, has been designated to respond to questions on the substance of the proposed regulations.

Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There is expected to be a slight increase in the number of people who lose their license privileges as a result of this regulatory action which may result in decreased revenue for businesses that sell outdoor equipment, supplies, and related services. However, any such impact is expected to be negligible.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 5, 2004

Robert R. Treanor
Executive Director